

Hon. Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NOAH FORD,

Plaintiff,

v.

I.Q. DATA INTERNATIONAL, INC.,

Defendant.

C22-1791 TSZ

PRETRIAL ORDER

JURISDICTION

Jurisdiction of this Court arises under U.S.C. § 1692k(d), 15 U.S.C. § 1681, and 28 U.S.C. § 1367 for pendent state law claims. Venue is proper because the acts and transactions occurred in Washington State, Plaintiff resides in California, and the Defendant transacts business here.

CLAIMS AND DEFENSES

- 1) Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681–1681x. Count III. Plaintiff asserts a violation under 15 U.S.C. § 1681s-2(b) by failing to conduct a reasonable investigation. Defendant asserts a defense of reasonable investigation to this claim.
- 2) Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §§ 1692–1692p. Count I. This claim relates solely to the January 6, 2022 Letter. Defendant asserts two defenses to this claim: (a) materiality and (b) Bona Fide Error Defense.
- 3) Consumer Protection Act (CPA), RCW Chapter 19.86. Amended Complaint ¶ 132-137 (docket no. 6).

EXPERT WITNESSES

- (a) Each party shall be limited to one expert witness on any issue.

(b) The name and addresses of the expert witness to be used by each party at the trial and the issue upon which each will testify is:

(1) On behalf of plaintiff: Thomas Tarter of The Andela Consulting Group, Inc. – 18783 Tribune Street, Northridge, CA 91326. Tarter may testify on any issues permitted by the Court’s September 5, 2024 minute order (docket no. 176).

(2) On behalf of defendant: Dean Binder of Binder Group Consulting – 2290 Kirkstone Drive Buford, GA 30519. Binder’s testimony relates to the information furnished to the credit reporting agencies. Binder’s testimony will be limited to his expert report and any deposition testimony.

OTHER WITNESSES

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of plaintiff: See Exhibit A attached below.

(b) On behalf of defendant: See Exhibit B attached below.

EXHIBITS

(a) Plaintiff’s exhibits: See Exhibit C attached below.

(b) Defendant’s exhibits: See Exhibit D attached below.

DAMAGES

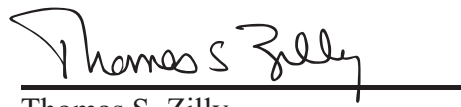
Plaintiff will be limited to its offer of proof on damages, docket no. 168, as limited by the court in pretrial rulings.

ACTION BY THE COURT

This case is scheduled for trial without a jury on September 16, 2024, at 9:00 a.m.

This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

Dated this 6th day of September, 2024.


Thomas S. Zilly
United States District Judge

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EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

Noah Ford,

Plaintiff,

v.

I.Q. Data International, Inc., Kris Graafstra
and John Doe,

Defendants.

Case No.: 2:22-cv-01791

WITNESS LIST

Witnesses

Gudbranson - signed discovery as agent for I.Q. about processes and procedures in processing and reporting this debt

Graafstra – procedures in processing and reporting this debt.

~~**Jeffrey Hasson** - why he was unaware of the purported lease and failed to disclose it until just before he filed his first MSJ during November 2023.~~

Noah Ford – all matters

Thomas Tarter – credit report expert and impact of I.Q. Data on Plaintiff

~~**Hannah McFarland** - document examiner expert - that she could not determine if the purported signature on the purported lease, the original of which was destroyed, (spoliation~~

WITNESS LIST - 1/2

Case No. 2:22-cv-01791
Ford

JAMES STURDEVANT
ATTORNEY AT LAW
119 N. Commercial St. Ste. 235
Bellingham, WA 98225
ph (360) 671-2990 fax (360) 483-5970
email: sturde@openaccess.org

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~~of evidence).~~

Doug Jordan – Close family friend about paying rent, moving out of apartment, moving to Atlanta and impact on Plaintiff

Thomas Ford III – Plaintiff's father, where he lived, and moving and impact on Plaintiff

~~**Yardi dba Rent Cafe.** Yardi supplied the program which processed the leases at issue.~~

~~Plaintiff subpoenaed Yardi to produce records and documents for Shea Properties. It stated~~

~~that it had records of payments, but refused to produce them unless the subpoena served on~~

~~it unless the subpoena specifically requested "Payments." Why defendant refuses to~~

~~produce this payment record puzzles.~~

~~**Experian** credit score history for Noah Ford~~

~~**Equifax** credit score history for Noah Ford~~

~~**Transunion.** credit score history for Noah Ford~~

Dr. Tong Ning, Acupuncturist who treated Plaintiff during the summer of 2022 for anxiety and stress.

~~**Veterans Administration** about his PTSD and mental health problems during summer of 2022.~~

Plaintiff is likely to call all of them

DATED this 23rd day of August 2024.

/s/ James Sturdevant

James Sturdevant

WITNESS LIST - 2/2

Case No. 2:22-cv-01791
Ford

JAMES STURDEVANT
ATTORNEY AT LAW
119 N. Commercial St. Ste. 235
Bellingham, WA 98225
ph (360) 671-2990 fax (360) 483-5970
email: sturde@openaccess.org

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EXHIBIT B

Jeffrey I. Hasson, WSBA No. 23741
 Hasson Law, LLC
 9385 SW Locust Street
 Tigard, OR 97223
 Telephone: (503) 255-5352
 Facsimile No.: (503) 255-6124
 E-Mail: hasson@hassonlawllc.com

Hon. Thomas S. Zilly
 United States District Court Judge

Robert E. Sabido, WSBA No. 29170
 Sabido Law, LLC
 9385 SW Locust Street
 Tigard, OR 97223
 Telephone: (971) 302-6236
 Facsimile No.: (503) 974-1673
 Email: robert@sabidolawllc.com

Attorney for I.Q. Data International, Inc. and Kris Graafstra

UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

NOAH FORD,

Plaintiff,

vs.

I.Q. DATA INTERNATIONAL, INC., *et al.*,

Defendants.

Case No.: 2:22-CV-01791-TSZ

DEFENDANT I.Q. DATA INTERNATIONAL,
 INC.'S WITNESS LIST

Defendant I.Q. Data International, Inc. ("I.Q. Data") submits the following witness list of witnesses that may be called at trial for I.Q. Data. All are possible witnesses. I.Q. Data may not call any witnesses if I.Q. Data is allowed a directed verdict. Rebuttal witness may not be listed as set forth in LCR 16(i).

IDENTITY OF POTENTIAL WITNESS	ADDRESS AND TELEPHONE	GENERAL NATURE OF EXPECTED TESTIMONY
Shirley Hein, Quality Control Manager for I.Q. Data International, Inc.	c/o Jeffrey I. Hasson Hasson Law, LLC 9385 SW Locust Street Tigard, OR 97223 (503) 255-5352	Ms. Hein's testimony, if called, would be to interpret the work card, explain the disputes, and investigations related to proving the bona fide error defense as to the FDCPA and WCPA claims and to show that

DEFENDANT I.Q. DATA INTERNATIONAL, INC.'S WITNESS LIST -

Page 1

Case No.: 2:22-CV-01791-TSZ

HASSON LAW, LLC

9385 SW Locust Street

Tigard, OR 97223

Telephone No. (503) 255-5352

Facsimile No. (503) 255-6124

IDENTITY OF POTENTIAL WITNESS	ADDRESS AND TELEPHONE	GENERAL NATURE OF EXPECTED TESTIMONY
		I.Q. Data performed a reasonable investigation as to the FCRA claim. If needed, Ms. Hein will appear in person.
Michael Gulbranson, Vice-President of ARS, Leader for I.Q. Data International, Inc.	c/o Jeffrey I. Hasson Hasson Law, LLC 9385 SW Locust Street Tigard, OR 97223 (503) 255-5352	Defendant would request that this witness testify remotely, if called. Mr. Gulbranson is located four hours from the Courthouse, and has health issues. His testimony, if called, would relate to proving the bona fide error defense as to the FDCPA and WCPA claims and to show that I.Q. Data performed a reasonable investigation as to the FCRA claim. Plaintiff chose not to depose this witness despite this witness being listed in the supplemental disclosures.
Kris Graafstra Employee of I.Q. Data International, Inc.	c/o Jeffrey I. Hasson Hasson Law, LLC 9385 SW Locust Street Tigard, OR 97223 (503) 255-5352	Mr. Graafstra, if called, would testify that he followed the procedures of I.Q. Data and requested that I.Q. Data send verification of the debt to Ford after I.Q. Data received a dispute of the debt, and marked the account as disputed so that information furnished to the credit reporting agencies would be reported as "disputed".

IDENTITY OF POTENTIAL WITNESS	ADDRESS AND TELEPHONE	GENERAL NATURE OF EXPECTED TESTIMONY
<p>Amber McClain Regional Director Shea Properties Management Company, Inc. doing business as Shea Properties. If Ms. McClain is not available to testify, her designee from Shea will testify in her place.</p>	<p>c/o Shea Properties Management Company, Inc. doing business as Shea Properties 8351 E Belleview Avenue Denver, CO 80237 (303) 804-3902</p>	<p>Defendant would request that this witness testify remotely, if called. Ms. McClain is located in Colorado, and her testimony has to do with proving the bona fide error defense as to the FDCPA and WCPA claims and to show that I.Q. Data performed a reasonable investigation as to the FCRA claim. She is a third-party witness that is being inconvenienced based on Plaintiff's prosecution of this matter. Plaintiff chose not to depose this witness despite this witness being listed in the supplemental disclosures.</p>
<p>Dean Binder Binder Group Consulting</p>	<p>Binder Group Consulting 2290 Kirkstone Drive Buford, GA 30519 (678) 549-8920</p>	<p>Defendant would request that this witness testify remotely, if called. This witness is located in Georgia. Defendant agreed to remote testimony of Plaintiff's expert on the condition that Plaintiff would not object to the remote testimony of Defendant's expert. His testimony relates to the information furnished to the credit reporting agencies.</p>

Dated: September 4, 2024.

s/ Jeffrey I. Hasson
Jeffrey I. Hasson, WSBA#23741
Hasson Law, LLC

Robert E. Sabido, WSBA No. 29170
Sabido Law, LLC

Attorneys for I.Q. Data

Certificate of Service

I hereby certify that on September 4, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: James A. Sturdevant and I hereby certify on that I mailed by United States Postal Service the document to the following:

s/ Jeffrey I. Hasson
Jeffrey I. Hasson, WSBA#23741
Attorney for IQDI
Hasson Law, LLC
9385 SW Locust Street
Tigard, OR 97223
Phone: (503) 255-5352
Facsimile: (503) 255-6124
E-Mail: hasson@hassonlawllc.com

EXHIBIT C

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

Noah Ford,

Plaintiff,

v.

I.Q. Data International, Inc., Kris Graafstra
and John Doe,

Defendants.

Case No.: 2:22-cv-01791 – TSZ

EXHIBIT LIST

1. Their initial 26(a) disclosures
2. Their Answers to Plaintiff's Interrogatories and Responses to Request for Production and Admissions.
3. Their second 26(a) disclosures
4. Declarations in support of Defendants' MSJ I
5. Declarations in Support of Defendants' MSJ II.
6. Tarter's Report – credit report expert
7. Hannah McFarland – document examiner on purported lease.
8. Declarations of Douglas Jordan,

EXHIBIT LIST - 1/2

Case No. 2:22-cv-01791
Ford

JAMES STURDEVANT
ATTORNEY AT LAW
119 N. Commercial St. Ste. 235
Bellingham, WA 98225
ph (360) 671-2990 fax (360) 483-5970
email: sturde@openaccess.org

9. Declarations of Plaintiff

10. E-mails to and from Jeffrey Hasson on the purported lease.

11. Medical records of Dr. Tong Ning

12. Medical Records of the Veterans Administration

DATED at this 23rd day of August 2024.

/s/ James Sturdevant
James Sturdevant

EXHIBIT LIST - 2/2
Case No. 2:22-cv-01791
Ford

JAMES STURDEVANT
ATTORNEY AT LAW
119 N. Commercial St. Ste. 235
Bellingham, WA 98225
ph (360) 671-2990 fax (360) 483-5970
email: sturde@openaccess.org

EXHIBIT D

Jeffrey I. Hasson, WSBA No. 23741
Hasson Law, LLC
9385 SW Locust Street
Tigard, OR 97223
Telephone: (503) 255-5352
Facsimile No.: (503) 255-6124
E-Mail: hasson@hassonlawllc.com

Hon. Thomas S. Zilly
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Sabido Law, LLC
9385 SW Locust Street
Tigard, OR 97223
Telephone: (971) 302-6236
Facsimile No.: (503) 974-1673
Email: robert@sabidolawllc.com

Attorney for I.Q. Data International, Inc. and Kris Graafstra

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Case No.: 2:22-CV-01791-TSZ

DEFENDANT I.Q. DATA INTERNATIONAL,
INC.'S EXHIBIT LIST

Defendant I.Q. Data International, Inc. ("I.Q. Data") submits the following exhibit list of exhibits that may be offered at trial by I.Q. Data. I.Q. Data may not offer any exhibits if I.Q. Data is allowed a directed verdict. Exhibits that may be used for impeachment purposes may not be listed as set forth in LCR 16(i).

Exhibit Number	Description	Admissibility Stipulated	Authenticity Stipulated/Admissibility Disputed	Authenticity Disputed	Admitted
101	Consumer Dispute Policy				
102	Disputes Received via Telephone Policy				
103	Contract with Creditor				
104	Work Card				

DEFENDANT I.Q. DATA INTERNATIONAL, INC.'S EXHIBIT LIST -

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Case No.: 2:22-CV-01791-TSZ

HASSON LAW, LLC

9385 SW Locust Street

Tigard, OR 97223

Telephone No. (503) 255-5352

Facsimile No. (503) 255-6124

Exhibit Number	Description	Admissibility Stipulated	Authenticity Stipulated/Admissibility Disputed	Authenticity Disputed	Admitted
105	Proof of Charges				
106	Statement of Security Deposit				
107	First Lease				
108	Second Lease				
109	Recording of Call from Douglas Jordan				
110	First Notice				
111	First Dispute in Writing				
112	Second Dispute in Writing				
113	Itemization Letter from I.Q. Data				
114	February Statement of Security Deposit				
115	February Dispute				
116	February Resident Ledger				
117	June Statement of Security Deposit				

Dated: September 4, 2024.

s/ Jeffrey I. Hasson

Jeffrey I. Hasson, WSBA#23741
Hasson Law, LLC

Robert E. Sabido, WSBA No. 29170
Sabido Law, LLC

Attorneys for I.Q. Data

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Attorney for IQDI
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Tigard, OR 97223
Phone: (503) 255-5352
Facsimile: (503) 255-6124
E-Mail: hasson@hassonlawllc.com